

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NIKI FRENCHKO, : Case No. 4:23-cv-781
Plaintiff, :
v. : Judge J. Philip Calabrese
PAUL MONROE, *et al.*, :
Defendants. :

NOTICE OF UNAVAILABILITY OF COMMISSIONER DENNY MALLOY

Now comes the Defendants, Sheriff Paul Monroe, Trumbull County, Trumbull County Board of Commissioners, Trumbull County Sheriff's Office, Mauro Cantalamessa, and Frank Fuda, (hereinafter "the Trumbull County Defendants") and hereby give notice of the unavailability of Commissioner Denny Malloy for the scheduled May 3, 2023 Hearing. Commissioner Malloy will be in the state of Florida on May 3, 2023 at 9:30am and will be unable to attend the Hearing on behalf of the Trumbull County Commissioners.

The Trumbull County Defendants aver that Commissioner Denny Malloy's presence is not necessary to comply with the Court's Order (Doc. 8). Commissioner Denny Malloy is not personally named in this suit, but as a current Commissioner for the Trumbull County Board of Commissioners, he is a potential representative of the political subdivision. The Order setting forth the May 3, 2023 Hearing states that a political subdivision is present when "(1) the person(s) most familiar with the underlying facts alleged; (2) the person(s) most knowledgeable about the records and electronically stored information that will be the subject of discovery; and (3) a representative with full, final, and binding decisional authority on all case management issues and with full settlement authority; but (4) it does not mean counsel." The Trumbull County Defendants intend

to have current Commissioner Mauro Cantalamessa and a representative from the County Risk Sharing Authority (CORSA) in attendance at the May 3, 2023 hearing which would satisfy the Court's requirement for the presence of a person(s) on behalf of the Trumbull County Board of Commissioners.

The Trumbull County Defendants do not take the Court's Order lightly, nor the requirement for in-person attendance. The Trumbull County Defendants do not believe Commissioners Denny Malloy's scheduled absence violates the Court's Order and will have person(s) on behalf of the Trumbull County Board of Commissioners present. That being said, the Trumbull County Defendants want to make the Court aware of Commissioner Malloy's absence in advance of said Hearing.

Respectfully Submitted,

s/ Daniel T. Downey

Daniel T. Downey (0063753)

Helen K. Sudhoff (0101259)

FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP

7775 Walton Parkway, Suite 200

New Albany, OH 43054

(614) 221-1216 – Telephone

(614) 221-8769 – Facsimile

ddowney@fisheldowney.com

hsudhoff@fisheldowney.com

*Counsel for Defendants Sheriff Paul Monroe,
Trumbull County, Trumbull County Board of
Commissioners, Trumbull County Sheriff's Office,
Mauro Cantalamessa, and Frank Fuda*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Notice of Unavailability of Commissioner Denny Malloy** was served, via the Court's CM/ECF system, upon all counsel this 1st day of May, 2023.

s/ Daniel T. Downey

Daniel T. Downey (0063753)

FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP

*Counsel for Defendants Sheriff Paul Monroe,
Trumbull County, Trumbull County Board of
Commissioners, Trumbull County Sheriff's Office,
Mauro Cantalamessa, and Frank Fuda*